

CITY OF WEST LAFAYETTE  
COMMON COUNCIL  
MINUTES  
JANUARY 5, 2015

The Common Council of the City of West Lafayette, Indiana, met in the Multi-Purpose Room at the Morton Community Center on January 5, 2015, at the hour of 6:30 p.m.

Mayor Dennis called the meeting to order and presided.

The Pledge of Allegiance was repeated.

Present: Bunder, Burch, DeBoer, Hunt, Keen, and Thomas.

Absent: Dietrich

Also present were City Attorney Burns, Clerk-Treasurer Rhodes, Public Works Director Buck, Facilities Director Clark, Police Chief Dombkowski, Parks Superintendent Fawley, Human Resources Director Foster, Fire Chief Heath, WWTU Director Henderson, Street Commissioner Payne, and Director of Development Poole.

MINUTES

Councilor Keen moved for acceptance of the minutes of the November 24, 2014, Pre-Council Meeting, and the December 1, 2014, Common Council Meeting. Councilor Burch seconded the motion, and the motion passed by voice vote.

NEW BUSINESS:

Ordinance No. 01-15 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (F. Lynn Cason Trust)(R3 to GB)(Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 01-15 by title only.

Councilor Keen moved for passage of Ordinance No. 01-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Dan Teder (Reiling Teder & Schrier, LLC), representing the petitioner, expressed appreciation for being allowed to go first so that he can also speak at the Council meeting in Lafayette. He requested approval of a rezone of a 30-acre tract from R3 to GB. He also requested approval of the commitment to go with the rezone which excludes certain uses that are offensive for this site. The exclusions are for adult entertainment and uses for large outside storage areas. He stated that the rezone received a favorable APC staff report and unanimous yes vote. Mr. Teder stated that the petitioner previously rezoned 40 acres on the east side of US 231 to GB, and that was purchased by a hospital. He stated that if that area had not been rezoned and made shovel-ready, the hospital may not have come to that site. He stated that there is a binding contract for purchase of this site, subject to the rezoning request. Referring to a map he provided to the Council, Mr. Teder described the land surrounding this site and stated that the owners of these properties have no objections to this rezone request. He stated that this rezone provides another shovel-ready site for future development and having the medical complex in there furthers that as well.

Councilor Hunt, regarding the excluded primary uses, asked about bars, hotels, and ugly things.

Mr. Teder responded that he believes hotels would be allowed there, which may have a restaurant/bar in it. There are no objections specifically to a bar, but this is a general business site and uses would likely entail a larger development. It is unlikely that someone would purchase a quarter of an acre out of the site as it is not economically feasible.

Councilor Hunt stated that one reason that we annexed was to control the development along US 231 and make it attractive.

Mr. Teder stated that we are trying to do that too, and by doing the commitments we have limited the uses found offensive. He stated that APC added to that and spent quite a bit of time going through that. He stated that he cannot guarantee another medical complex, but he believes that a large-type user will come into the site in the future. In response to an inquiry from Councilor DeBoer about the zoning type, Mr. Teder stated that APC had suggested that it be zoned as Neighborhood Business because they felt that there were too many uses in General Business. As a result, they went through the use table and excluded those that were offensive.

Councilor Bunder stated that his question is not related to this particular rezone. He asked if we have a vision for US 231. He stated that people are asking if it will look like Creasy Lane, Veterans Memorial Parkway, or Sagamore Parkway, and he asked if there is a response for those questions. He asked if we know what it will look like.

Mayor Dennis stated that when it comes to development, oftentimes it is easier to say what is not going to go there than what is. That is because of what happens economically. He stated that in some cases local government plays a large role, as when incentivizing specific investments. In other cases local government plays a smaller role in trying to discourage the wrong type of development. He stated that since the start of annexation discussions, we wanted to ensure that the gateway represents the personality of the City of West Lafayette and Purdue University, and our hope is that that will continue. He stated that we will do what we can to encourage the right development and through that process hope that the developers recognize that we have strong opinions about what we believe is the best fit in our community.

Mr. Teder stated that he thinks that is shown with the hospital site. There was a lot of input into that development which went a long way in getting the hospital to that site. He noted that to the east of the hospital there is some smaller acreage, so smaller type uses may go there.

Councilor Hunt stated that she thinks that Public Works Director Buck will have some interest and input into any type of access that would come in off of Cumberland. She asked if he could speak about that and the input of the Traffic Commission.

Director Buck stated that any time a development reuses an existing access or creates a new one on a City street, it is the City traffic engineer's responsibility to determine the engineering, geometry, and type of access that is warranted based on the type of development. He stated that there will likely not be access granted on US 231. It is limited access; it is INDOT's highway. Most of the development that happens along here will have to access along Cumberland. He stated that we will take a long and in-depth look at how and where that access along Cumberland is allowed. We will follow INDOT's guidelines for driveways, though we are not governed by it, and we will rely on input from the Traffic Commission and the Technical Transportation Committee.

Councilor Hunt stated that that is reassuring.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 01-15 passed on first and only reading.

#### COMMITTEE STANDING REPORTS

##### STREET, SANITATION, AND WASTEWATER TREATMENT UTILITY

Councilor Bunder presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PUBLIC SAFETY AND ORDINANCE

Councilor Keen presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PURDUE RELATIONS

Councilor DeBoer reported on events at Purdue University.

##### PARKS AND RECREATION

Councilor Hunt presented this report, which will be on file in the Clerk-Treasurer's Office.

##### ECONOMIC DEVELOPMENT

Councilor Thomas presented this report, which will be on file in the Clerk-Treasurer's Office.

##### PERSONNEL

Councilor Burch presented this report, which will be on file in the Clerk-Treasurer's Office.

##### BUDGET AND FINANCE

There was no report.

##### REPORT OF APC REPRESENTATIVE

Councilor Keen stated that at the regularly scheduled APC meeting on January 21, the Northwestern Family Express is going to be doing their preliminary sketch plan of what they are anticipating to do at the old Smitty's site. He noted that the meetings are now held at 6:00 p.m.

##### SPECIAL REPORTS: None

##### PUBLIC RELATIONS:

##### Council President Nomination and Election

Councilor Hunt nominated Councilor Peter Bunder for Council President for 2015. Councilor DeBoer seconded the motion.

There was no discussion.

The motion passed by voice vote.

Mayor Dennis congratulated Councilor Bunder.

Councilor Hunt stated that she has been Council President for quite a few years and she has enjoyed it and feels very honored. She stated that she will be moving out of her district later in this calendar year, so it is time to turn the reins over.

Mayor Dennis thanked Councilor Hunt and stated that she has been a great leader and source of assistance for him.

#### LEGAL REPORT

City Attorney Burns stated that this report is on file.

Councilor Bunder provided a picture to City Attorney Burns of a large sign at 711 North Salisbury Street.

City Attorney Burns stated that he was not aware of the sign.

Mayor Dennis asked Director Buck if there had been discussions about the sign.

Director Buck stated that he was made aware of this and another similar sign recently. He stated that his office is looking into the sign's dimensions. If it is of a size appropriate to be considered incidental, then it is not a concern to our office.

City Attorney Burns stated that we will take a look at it and decide what can be done, if anything.

#### FINANCIAL REPORT

Clerk-Treasurer Rhodes reported that we have received our budget order notice. Our budgets have been fully funded. We are ready to begin discussing our beginning financial position when Councilor Dietrich calls a meeting of the Budget Committee for that purpose.

UNFINISHED BUSINESS: None

#### NEW BUSINESS (Continued):

Ordinance No. 02-15 To Rezone Certain Real Estate Within The City Of West Lafayette, Indiana And Designating The Time When The Same Shall Take Effect (Purdue Research Foundation)(A to NB) (Submitted by the Area Plan Commission)

Mayor Dennis read Ordinance No. 02-15 by title only.

Councilor Keen moved for passage of Ordinance No. 02-15 on first and only reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Mark DeYoung (Stuard & Branigin LLP), representing the petitioner, stated that there are plans for a daycare center to be developed on the north of State Street, between McCormick Road and US 231. He described the property, noting that it is an existing lot with existing access to the road. He stated that there are several discussions surrounding this general location as the area is improved due to the new highway, and we see this as a good start for planning in that

COMMON COUNCIL MEETING MINUTES, January 5, 2015, CONTINUED

area. He stated that this rezone has received a favorable staff recommendation and a unanimous yes vote from the APC. He requested approval and support of the rezone.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 02-15 passed on first and only reading.

Ordinance No. 03-15 An Ordinance To Approve Blanket Bond Coverage For 2015 (Prepared by the Clerk-Treasurer)

Mayor Dennis read Ordinance No. 03-15 by title only.

Councilor Keen moved for passage of Ordinance No. 03-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Clerk-Treasurer Rhodes requested approval of this annual blanket bond coverage in lieu of surety bonds for officials. She explained that coverage is required by Indiana statute for named officials. In response to a question from Councilor Keen, Clerk-Treasurer Rhodes asked for two readings on this ordinance as the coverage needs to be filed soon.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 03-15 passed on first reading.

COMMON COUNCIL MEETING MINUTES, January 5, 2015, CONTINUED

Councilor Keen moved to suspend the rules and hear Ordinance No. 03-15 on second and final reading. The motion was seconded by Councilor Burch, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 03-15 by title only.

Councilor Keen moved for passage of Ordinance No. 03-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 03-15 passed second and final reading.

Ordinance No. 04-15 An Ordinance To Amend Ordinance No. 29-14 (Amended). An Ordinance To Fix The Salaries Of Appointed Officers, Employees, And Members Of The Police And Fire Departments Of The City Of West Lafayette, Indiana, For The Year 2015 (Submitted by Mayor John Dennis)

Mayor Dennis read Ordinance No. 04-15 by title only.

Councilor Keen moved for passage of Ordinance No. 04-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

Councilor Keen asked if two readings are needed on this since we are already in the year 2015, and Clerk-Treasurer Rhodes responded affirmatively.

Mayor Dennis stated that this involves some realignments within the Fire Department and Department of Development.

Fire Chief Heath stated that the Fire Department is asking for an Inspector/Occupation Safety and Health (OSHA) Coordinator. The OSHA Coordinator has been in the Department for a while, but has not been used. He explained that with this position, the Inspector would be able to look at issues with an outside eye. He explained that prior to receiving the SAFER Grant there were 41 positions in the Fire Department and the Grant adds 7. The Department would like to use the 48<sup>th</sup> position to convert from a sworn position to a civilian position and hire a civilian Inspector.

Mayor Dennis asked if this would be revenue-neutral for the Department's overall budget.

COMMON COUNCIL MEETING MINUTES, January 5, 2015, CONTINUED

Chief Heath responded yes. He stated that the second position they are looking to reorganize is the Training Instructors. It would allow one person to be charge of designing, developing, and putting out the training program so that all three shifts would get the exact same training each month.

Director of Development Poole stated that the change for the Department of Development is a promotion for Dale Dixon, from Housing Inspection Coordinator to Assistant Director of Development.

Mayor Dennis stated that this will not have any adverse impact on the rental inspection program or staffing. Director Poole confirmed this.

Director Poole confirmed for Councilor Thomas that Mr. Dixon will still have his CDBG responsibilities.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 04-15 passed on first reading.

Councilor Keen moved to suspend the rules and hear Ordinance No. 04-15 on second and final reading. The motion was seconded by Councilor Burch, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 04-15 by title only.

Councilor Keen moved for passage of Ordinance No. 04-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			

COMMON COUNCIL MEETING MINUTES, January 5, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 04-15 passed second and final reading.

Mayor Ordinance No. 05-15 An Ordinance To Amend Ordinance No. 30-14 (Second Amended), An Ordinance To Fix The 2015 Wastewater Treatment Utility Salary Schedule As Submitted By The Board Of Public Works And Safety For Approval By The Common Council Of The City Of West Lafayette, Indiana (Presented by the Board of Public Works and Safety)

Mayor Dennis read Ordinance No. 05-15 by title only.

Councilor Keen moved for passage of Ordinance No. 05-15 on first reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

WWTU Director Henderson explained that approximately 15% of Mr. Dixon's position is funded by the Utility, and that is what this ordinance reflects.

There was no further discussion.

Clerk-Treasurer Rhodes called the roll call vote:

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 05-15 passed on first reading.

Councilor Keen moved to suspend the rules and hear Ordinance No. 05-15 on second and final reading. The motion was seconded by Councilor Burch, and the motion passed by voice vote.

Mayor Dennis read Ordinance No. 05-15 by title only.

Councilor Keen moved for passage of Ordinance No. 05-15 on second and final reading, and that the vote be by roll call. The motion was seconded by Councilor Burch.

There was no discussion.

Clerk-Treasurer Rhodes called the roll call vote:



COMMON COUNCIL MEETING MINUTES, January 5, 2015, CONTINUED

	AYE	NAY	ABSENT	ABSTAIN
Bunder	✓			
Burch	✓			
DeBoer	✓			
Dietrich			✓	
Hunt	✓			
Keen	✓			
Thomas	✓			

Clerk-Treasurer Rhodes stated that the vote was 6 AYES and 0 NAYS.

Mayor Dennis announced that Ordinance No. 05-15 passed second and final reading.

CITIZEN COMMENTS

► Kay Miller (8143 Old State Road 25 N., Lafayette), Co-President of the Americus Area Community Coalition, stated that the Council has been wonderful in supporting the opposition to the stone quarry on Old State Road 25 N. She stated that she wanted to remind the Council that letters may now be sent to the APC or to do the Board of Zoning Appeals. If the letters were sent prior to December 23, they were not put into the file because it was not open at that time. She asked that the Council send the letter that was signed in September to re-establish the commitment.

► Thomas Kesler (479 Maple Street) expressed appreciation to the Street Department for doing a leaf collection after the collection schedule had ended. He noted locations of other leaf piles he has seen as well as some litter issues. He stated that street signs should not be hitching posts for rental signs, and noted a location of one. Mr. Kesler stated that he would like to repeat his opposition against the stone quarry, and mentioned that he was spooked by a photo he saw of a dust cloud at another quarry. Mr. Kesler stated that approximately three months ago the Council heard from parents and students describing living conditions at a couple of rental properties. He stated that he wants to be sure that the Council does not view that as something that was a one-off or unique. He spoke of a similar situation he experience in his work environment when employed by Indiana University in 1979.

► Zachary Baiel (124 Connolly Street) stated that regarding the rezones, he wondered what kind of conversations have been held with the developer, and he agrees that we want to make that the best that it can be. He asked if the Comprehensive Plan is available in a digital searchable format. He asked what factors are used by this Council, the City, or the APC to determine when a development goes outside the scope of a particular planning process, if it should be considered. Mr. Baiel expressed his opposition to the stone quarry for environmental reasons, among others. He asked how he and the public can have access to discussions about the State Street Master Plan which were mentioned in the Legal Report. He expressed concern that the public is not involved in the process at this point. Mr. Baiel spoke about the New Chauncey Land Use Plan, and asked what kind of predictability the public has to follow plans that are set forth in collaboration with the citizens and the public. He reported that The Exploratory Committee is having its first event at the library, explaining that the goal of the group is to connect other politically interested people in and around the County with each other and work towards a more engaged and transparent Tippecanoe. Mr. Baiel asked if someone on the Council would support an amendment to our ordinances to include language similar to sunset clauses on *For Rent* or *For Sale* signs as some other locations have.

Councilor Bunder stated that the current signs at issue have inspired him and Councilor Dietrich to exchange emails and he believes that it will be their project for the coming year.

► Chris Kulesza (190 Burke Court, Apt. 312), President of the Purdue Graduate Student Government (PGSG), thanked Mayor Dennis for being part of the PGSG convocation next week. He thanked Councilor DeBoer for contacting Senator Donnelly's office and provided an update on the PGSG health care situation. He asked Councilor DeBoer to work with the PGSG Vice President for External Affairs on that. Mr. Kulesza stated that regarding the US 231 corridor, it is important to have businesses that graduate students want. He stated that the rent rates in the City are going up and far outpacing how fast graduate student wages are going up, so other things are needed to bring them to West Lafayette instead of Lafayette where rental rates are lower.

#### ADJOURNMENT

There being no further business at this time, Councilor Burch moved for adjournment, and Mayor Dennis adjourned the meeting the time being 7:26 p.m.